

MINUTES
COUNCIL ON RECYCLING
MAY 18, 2004
LUSSIER FAMILY HERITAGE CENTER
3101 LAKE FARM ROAD
MADISON, WISCONSIN

Council Members Present: Jeff Fielkow; John Piotrowski; John Reindl; Cecelia Stencil; William Swift; Charlotte Zieve.

Council Members Absent: None (1 vacancy)

Also attending: Tony Driessen, American Plastics Council (APC); Toral Jha, Grass Roots Recycling Network; Pat Lobejk, APC; Cynthia Moore, DNR; Neil Peters Michaud, Cascade Asset Management; Genise Smith-Watkins, APC; Joe Van Rossum, UW-Extension

Call To Order: The meeting was called to order by Chair John Reindl at 9:00 AM

Introduction and Announcements:

Minutes: Approval of the Minutes of March 16, 2004, as submitted moved by John Piotrowski, seconded by Charlotte Zieve. The minutes were approved.

Reports

DNR: Cynthia Moore, DNR, asked what sort of information the Council wanted. Members said that anything to do with the priorities and the changes to NR 544 (the recycling rules).

Moore said that the DNR had begun a radio campaign focusing on recycling away from home. She said the response to the theme was good. She said she was very excited about the humorous ads. Moore said that the ads would be available to local municipalities for their use after the initial run. Piotrowski said that targeting the ads around events would be a good idea. Moore responded that the local RU's would be best at that. Reindl suggested that the ads be available through the DNR web site. Dan Fields said he would check into that.

Moore said that the changes to NR 544 were going forward. The rule package would be ready by July 12 to go to the August NR Board meeting. She said that DNR held 5 meetings around the state. About 20 people attended each meeting. There was also a stakeholders' meeting after the initial meetings. There are a few major changes in the package. One is to clarify that everyone should be recycling, including contractors and organizers of special events. Another change is that communities with a population over 5000 need not switch to a curbside pickup if their population density still qualifies them as rural. Another change is to create a compliance assurance program to require RU's to show that they have a plan in place to do enforcement. This is not seen as an enforcement tool. It simply tells DNR how enforcement is done. Moore said that DNR will also detail when and if the department would step into the enforcement system. The last major item is the Material Recovery Facility (MRF) certification program. Any MRF that serves RU's must go through a self-certification process. It is not an onerous program. The proposed change would bring the rule into conformity with the statutory definition. The MRF would then have to either self certify or become a solid waste facility. This should not be a problem. It will help us find the very small number of problem MRF's. We also exempt self certification of single material processing facilities unless there have been compliance issues with the facility in the past. We want to adjust the rule slightly so we have the ability to go after these facilities that are not in compliance without impacting those that are not having problems. These changes are to preserve the intent of the rule. Moore will send copies to the members when it is ready. It should also be on the web.

Reindl said that one problem was that communities don't get credit for doing more than required, such as mixed paper. Does the rule deal with that issue? Moore said that no rule is needed in that area. That can be done via the Annual Report. Changes may include on-line

reporting, changing to population served as opposed to population. This is important to areas with large rental populations. There would be little change for most communities. There will be a greater emphasis on reporting all materials and giving recognition to RU's that collect other materials.

Moore said that the Waste Reduction and Recycling Demonstration Grant program has \$500,000 in grants available. There are two categories, innovative projects (50% matching grant) and requests for proposals (75% matching grant) which are targeted to specific materials. Moore said that one of the requests for proposals is for glass because it is still a problem. Reindl said he was involved in project that was funded by these grants that partnered with several groups and also received federal grants.

Moore said that the Recycling Efficiency Grants were still available as well. It is an award grant system. 110 of 130 applicants received funding the first funding cycle. Those that collaborate with other RU's tend to get funded. The grants are capped so that large communities don't end up with all the funds. The second grant program had quite a bit of confusion as to eligibility. That was evident when 61 of the 138 applicants were denied. That is too many and DNR is working with SHWEC and others to improve the process.

Chair: Reindl said that the Annual Report would go to the governor this week. Please get any comments to Fields by Thursday. Reindl said that WasteCap has information on grinding drywall as a soil amendment on their web site. Reindl said that the City of Madison was now requiring a waste management plan when demolition is done within Madison. Reindl distributed articles on mercury in fish and another article about Rep Baldwin's initiative on mercury on products. Rep Baldwin noted that there was 5 times more mercury used in products than was emitted by all the power plants in this country. Reindl said EPA is developing a flow model of mercury in several main product groups.

Committee of the Whole on Electronics: Reindl distributed information from the subcommittee meeting. Zieve said that industry should come up with a plan for collecting, reusing, recycling or disposing of their products. Taxpayers and municipalities should not be asked to fund this operation. She said that Rep Miller's bill should be trimmed to pull out the language that required a lot of documentation. That should aid in passing the bill. Reindl said that Rep. Miller was interested in our comments but did not guarantee that he would make any changes. There are four possible major points: 1) Reaffirm our previous recommendations, including the purchasing recommendation. Bill Tarman Ramcheck would be adding those recommendations. 2) Recommend that the governor and legislature forward our comments to the federal government. 3) Set up a Third Party Organization (TPO) to administer the program nationally. An example is the Thermostat Recycling Corporation (TRC). The TRC collects the thermostats for free and bills their members. The advantage of this method is that the people who know the products best, the companies, would be in charge of collection and disposal. Zieve said it was important that the companies put the fee into the price of their product. Fielkow disagreed, saying an end of life fee was fairer. Sales and disposal don't match and end of life makes the most sense.

There was a discussion about the niche companies that already do take back. Should they be required to join the TPO or should the DNR have some flexibility? Reindl said he was worried about the small companies being squeezed out by the TPO. The fee would be based on per unit. Zieve said that we shouldn't put restrictions on the way they do the fees. Leave it up to the companies to make those decisions. Reindl said that if we make them join then we should make sure that the system wouldn't be abused. Similar to utility fees to make sure that everything is fair.

Fielkow said that the goal should be to create legislation that is passable. The way it is set up now the manufacturers would have the entire burden. They have the most influence and would probably oppose this legislation. End of life would have less opposition, Stencil agreed that an end user fee may be the way to go. She would also be fine with the cost being included in the price. Piotrowski said that a too prescriptive system is counterproductive. He talked to Jeff Schoepke of WMC. Generally WMC opposes regulations. Tell industry the problem and the goal and let industry do it. He didn't know if the TPO was too prescriptive or not. It seems like a rational program. Swift said he likes the end of life system. Then the person is responsible and is going to

have to pay. Piotrowski said that a lot of dumping could go on with that system, partly because there is no exchange as there is with, say, a tire program. Zieve said that before the recycling program began many said it would not work. There are always naysayers but the system would work. She said that there also needs to be a major education effort as well.

Neil Peters-Michaud said that the industry was very divided. There are several programs out there by different companies. The California bill has a front-end fee. It is about \$.46/lb. There are a lot of potential problems with the program. Industry will meet demand and create infrastructure. The front-end fee is more effective. Financing and getting rid of sham recycling are the two major issues in his view. This must be dealt with responsibly.

Reindl said that the Council recommended a voluntary certification program. Since the company name was on the line, the industry would deal with then issue. Zieve said that was indirect. Reindl said it was but that was one of the trade-offs with a TPO. The state gives up some control. Zieve said one the major differences between these recommendations and the previous Council recommendations involved the TPO. Piotrowski wanted models of TPO's. Reindl said he had information on El-Kretsen, TRC, Alberta, and one or two others. Piotrowski said that the TPO means that giving up control from the standpoint of the company as well. Reindl said that some of the TPO's were being criticized for low recycling rates.

Toral Jha said the current bill divided the costs up by market share. Small manufacturers may be exempt. The front-end fee is opposed by Dell and HP. They want to figure out the best way themselves. Historic waste is a burden on the current large industry leaders. She said there is less resistance to a TPO. Reindl said there is no front-end fee in the TPO. Zieve said let the companies make those decisions. Genise Smith Watkins said the APC does not have a position on TPO's. She is concerned about the administrative costs of the fees. Reindl said that with a TPO, none of the money would go to the state. Smith Watkins said that the industry was still working on the issue. Zieve said we should finalize the Council position and make recommendations at the next meeting.

Other Priority Issues:

Construction & Demolition: Reindl said that AROW and WasteCap have committees on this subject. WasteCap also provides consulting services. He suggested asking those two groups to come to the Council and talk about what they are doing as a prelude to the Council moving forward on this issue.

Promotion of paper recycling: Piotrowski is the chair. Piotrowski would like to look at the barriers and challenges that prevent recycling. He will contact players across the industry and find out what the large and small players think. Reindl said that paper was still the largest component in the waste stream going to the landfill. In 1990 the price for mixed paper was about \$5/ton. Now it is \$60/ton. Madison wants to collect mixed paper because it is now economical. Fielkow said that "if you can rip it, you can recycle it." He said the rate is slipping and demand is going up. The goal is to collect enough to keep the mills going. We need to help keep recovery rates up, push the state to do more, increase public awareness, and do more education. He said we should target residential and away from home and not worry about preconsumer material. Manufacturing recycling rates are high because they already factor those costs/benefits into their process. Zieve said the education issue is something that should be stressed. Reindl said that individual communities need to do education. Piotrowski said that he would organize his committee at the next meeting.

Mercury in Products: Fielkow is the Chair. He said he would put a structure together for the next Council meeting. The committee will focus on products.

Waste Minimization Project

Public Comment: Joe Van Rossum, SHWEC, said that education was mentioned several times but the truth is that funding for education has dropped. He encouraged the Council to explore ways to find partners to do education. Zieve said that local newsletters need articles all the time. They will reprint articles of interest. Van Rossum said he used those quite a bit.

Jha said that her organization, GRRN, has a lot of resources and has done a lot of research in this area. She said the Council should feel free to access her organization's information.

Driessen asked about ensuring public access to the committee meetings and activities. Fields said he would send e-mails to the Council list with dates and times of meetings. This would be in addition to the public meeting notices.

Peters-Michaud said that he did a presentation to 100 landfill operators. He has the PowerPoint if anyone is interested.

Peters-Michaud said that he did a Milwaukee collection event at State Fair Park. 1900 vehicles came through. The computers were dropped off at no cost to the individual. Grants and sponsors funded it. Ads went in the Milwaukee Journal Sentinel and free radio spots. Several employers put out announcements to their employees. They collected 185,000 pounds of electronic equipment.

Peters-Michaud said that the Council should look at the Alberta collection system.

Other Business: Swift said that the first Department of Commerce oil filter committee meeting was scheduled.

The next Council meeting is scheduled for Monday, July 26, 2004, in Ladysmith. After the meeting the Council will tour 5R Processors, Glen Flora.

Adjournment: The Council adjourned at 11:10 AM

Following adjournment, the Council members and other toured Cascade Asset Management.

Respectfully submitted by Daniel B. Fields, Department of Natural Resources.